

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL M. NEELY, )  
Plaintiff )  
 )  
vs. ) Civil Action No. 09-176  
 ) Judge Arthur J. Schwab/  
DEBRA K. HURST, I.R.S. "ACS Employee) Chief U.S. Magistrate Judge Amy Reynolds Hay  
Identification #! 11-00BUFF"; R.A. )  
MITCHELL, I.R.S. "Director, Campus )  
Compliance Operations"; NANCY )  
WERME, Prothonotary, Beaver County )  
Pennsylvania, )  
Defendants )

**ORDER**

AND NOW, this 7<sup>th</sup> day of July, 2009, after the Plaintiff,

Michael M. Neely, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until June 29, 2009, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the case is dismissed with prejudice as against Debra K. Hurst and R.A. Mitchel;

IT IS FURTHER ORDERED that the case is remanded forthwith to state court for all further proceedings against Nancy Werme.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



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ARTHUR J. SCHWAB  
United States District Judge

cc: Honorable Amy Reynolds Hay  
Chief U.S. Magistrate Judge

Michael M. Neely  
233 W. Madison Street  
Apt. #2  
Rochester, PA 15074

All Counsel of Record by electronic filing

ajs